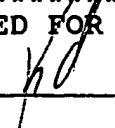


**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: 09/22/09		2 Serial/Patent # 10/500,856		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			\$
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11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: April M. Wise		TITLE: Petitions Examiner		
SIGNATURE: /APRILMWISE/		PHONE: 571-272-1642		
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APPROVED: 		DATE: 9/22/09		

*Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:*

**Office of Finance  
Refund Branch  
Crystal Park One, Room 802B**

File No.: 14725-8US

Québec, Canada  
September 2, 2009

IN THE UNITED STATES PATENTS AND TRADEMARKS OFFICE

Applicant: BioMatera inc.  
Serial No.: 10/500,856  
Filed: May 24, 2005  
Title: BIODEGRADABLE FLEXOGRAPHIC INK  
Examiner: Veronica Faye Faison Gee  
Group Art Unit: 1793

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PETITION UNDER 37 C.F.R. 1.313(c)  
REQUEST FOR CONTINUED EXAMINATION AND INFORMATION  
DISCLOSURE STATEMENT

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria  
VA 22313-1450

Sir:

This follows the PTOL-85 "Notice of Allowance and Fees Due" mailed May 13, 2009, and for which the Fees Due were paid on August 11, 2009.

The Applicant hereby petitions under 37 C.F.R. 1.313(a) to have the present application withdrawn from issue. Accordingly, the necessary fee of \$130.00 as set forth in section 1.17(h) may be charged to deposit account number 19-5113.

Pursuant to 37 C.F.R. 1.313(a), the Applicant believes that the following justification represents good and sufficient reasons for the withdrawal of the application from issue is necessary. The Applicant needs to file a Supplemental Information Disclosure Statement (IDS) to make of record the references cited against the corresponding Japanese Application. These

Adjustment Date: 09/23/2009 LDI EP1  
01 FC:1464 130.00 CR 10500856 195113 10500856  
02 FC:2001 405.00 CR

references were cited less than three (3) months ago and were not known to the Applicant or Agent prior to that.

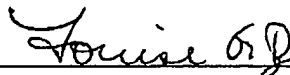
Accordingly, the Applicant petitions that the present application be withdrawn from allowance, such that the Examiner may consider the pertinence of those references listed in the Information Disclosure Statement submitted herewith. Therefore, a Request for Continued Examination is also included for the Examiner's consideration.

The Applicant looks forward to timely receiving confirmation that the present petition has been granted, prior to the issue of the Letters Patent.

Respectfully,

September 2, 2009

Date



Agent of the Applicant  
Louise G. Bernier, Ph.D.  
Reg. No. 38,791  
OGILVY RENAULT  
Customer No. 020988

# **REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL** **(Submitted Only via EFS-Web)**

Application Number	10500856	Filing Date	2005-05-24	Docket Number (if applicable)	14725-8US	Art Unit	1793
First Named Inventor	MASARO Laurent			Examiner Name	Veronica Faye Faison Gee		

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.** Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

## **SUBMISSION REQUIRED UNDER 37 CFR 1.114**

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

☐ Other \_\_\_\_\_

☒ Enclosed

☐ Amendment/Reply

☒ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☒ Other

Petition Under 37 C.F.R. 1.313(c)

## **MISCELLANEOUS**

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months \_\_\_\_\_  
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other \_\_\_\_\_

## **FEES**

**The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 195113

## **SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

☒ Patent Practitioner Signature

☐ Applicant Signature

Signature of Registered U.S. Patent Practitioner			
Signature	/Louise G. Bernier/	Date (YYYY-MM-DD)	2009-09-02
Name	Louise G. Bernier, Ph.D.	Registration Number	38791

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.